

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 MARQUISE WALKER,

12 Plaintiff,

13 v.

14 HOWARD, et al.,

15 Defendant.

Case No.: 1:22-cv-00332-JLT-CDB

16 ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS THIS  
ACTION WITHOUT PREJUDICE FOR  
PLAINTIFF'S FAILURE TO PROSECUTE

(Doc. 26)

17 Plaintiff seeks to hold defendant liable for violations of his civil rights pursuant to 42  
18 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28  
19 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 The magistrate judge recommended that this action be dismissed without prejudice for  
21 Plaintiff's failure to prosecute, or, alternatively, that defendant's motion to dismiss be granted in  
22 part and denied in part, and that Plaintiff be granted leave to file a first amended complaint within  
23 thirty days. (Doc. 26.) The magistrate judge advised the parties that the "failure to file objections  
24 within the specified time may result in waiver of his rights on appeal." (*Id.* at 11-12, citing  
25 *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394  
26 (9th Cir. 1991)). No party has filed objections and the time to do so has passed.

27 According to 28 U.S.C. § 636(b)(1)(C), this Court conducted a de novo review of this  
28 case. Having carefully reviewed the matter, the Court concludes the Findings and

1 Recommendations to be supported by the record and proper analysis. The Court is most  
2 persuaded, in takin the action below, by the fact that Plaintiff failed to respond to a specific order  
3 of the Court and failed to file any objections to the findings and recommendations. The Court  
4 concludes that Plaintiff is no longer interested in pursuing this action. Thus, the Court **ORDERS**:

5       1. The Findings and Recommendations issued on October 1, 2024 (Doc. 26) are  
6           **ADOPTED**.  
7       2. This action is **DISMISSED** without prejudice for Plaintiff's failure to prosecute.  
8       3. The Clerk of the Court is directed to terminate all pending motions and to close this  
9           case.

10 IT IS SO ORDERED.

11       Dated: October 28, 2024

  
UNITED STATES DISTRICT JUDGE

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